UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP. Plaintiff, v. WELLS FARGO & COMPANY, et al., Defendants.	2-06-CV-72 (DF)

NOTICE OF ACCEPTANCE OF STIPULATION BY THE CLEARING HOUSE PAYMENTS COMPANY L.L.C.

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 107) that a stay of proceedings related to the "Ballard Patents" in this case—U.S. Patent Nos. 5,910,988 and 6,032,137—ensue in light of developments in the *ex parte* reexaminations initiated by First Data Corporation (hereafter "petitioner") of the Ballard Patents (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, The Clearing House Payments Company L.L.C., for itself and as the successor in interest to The Small Value Payments Company, L.L.C. (collectively, "Defendant"), hereby notifies the Court that it accepts the following stipulation and the concomitant stay of all proceedings:

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

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Defendant further notes that it will work with Plaintiff in this matter to keep the Court apprised of developments in the reexamination which may impact the ordered stay.

Dated: January 18, 2007

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Attorneys for The Clearing House Payments Company L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served this 18th day of January, 2007, with a copy of the foregoing via the Court's CM/ECF system per Local Rule CV-5(a)(3).

Preston W. McGee